HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc. Appeal NO. 991 OF 2005

APPLICANT **Non-applicant NO.1**		Abdul Rashid Siddiqui, S/o. Gulam Rasul Miyan, Aged about 61 years, Occupation – Business, R/o. Jarahagarh Ward, P.S. & Tahsil – Ambikapur, Dist: Sarguja – (CG)
	VERSUS	
RESPONDENTS Applicant No.1	1.	Janeswhar Shukla, S/o. Permanad, Aged about 53 years,
Applicant No.2	2	Ram Uday Shukla, S/o. Janeshwar Shukla, Aged about 28 years.
Applicant No.3	3.	Sanjay Kumar Shukla, S/o. Janeshwar Shukla, Aged about 26 years, All resident of village Jamwantpur, P.S. Ramanujganj, Tahsil Pal, Present address Ramanujgangj Road, Kali Mandir, Shankar Ghat, Ambikapur, P.S. & Tahsil Ambikapur, Dist : Sarguja – (C.G.)
Non Applicant No.2	4.	Ramdeni S/o. Malluram Harijan, Occupation Driver, Aged about 35 years, R/o. Village Garhwa, P.A. Meral, Dist: Garhwa, Jharkhand. (Driver)
Non-Applicant No.3	5.	The Oriental Insurance Co. Ltd., Branch Office, Sadar Road, Ambikapur, P.S. & Tahsil Ambikapur, Dist. : Sarguja – (CG) (Insurer)

Present: Shri A.N. Pandey, learned counsel for the appellant.

ORAL ORDER

(Passed on 21st February, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ :

The appellant is the owner of the motor vehicle involved in the accident. The appellant being aggrieved by the award passed by the MACT fastening the liability to pay compensation on the appellant has preferred this appeal contending that the MACT ought to have fastened the liability to pay compensation on the insurance company.

(2) We have perused the award and also original records. In the written statement filed by the insurance company, a specific plea is taken that the driver of the motor vehicle involved in the accident, on the date of accident, did not have valid and effective driving licence to drive the motor vehicle involved in the accident. That plea is established by legal evidence. The MACT has recorded a factual finding that on the date of accident, the driver of the motor vehicle involved in the accident did not have valid and effective driving licence. In that view of the matter, we cannot take any exception to the impugned award fastening the liability on the owner of the motor vehicle to pay compensation. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/- Chief Justice	Sd/- Dilip Raosaheb Deshmukh Judge